REMARKS

The composition claims have been cancelled, and all claims as now amended are directed to a method for regulating the inflammatory response of enterocytes. Such method is part of the elected Group I invention. In addition, the claims have been amended to address the Section 112 issues noted by the Examiner. For the reasons noted below, applicant submits that the claims as now presented are free from objection and should be in condition for allowance.

Corrected drawings are submitted herewith.

With respect to the objections under 35 U.S.C. 112 (first paragraph), applicant believes that these objections result from a misunderstanding by the Examiner of the actual teaching of the application. The specification teaches at page 8, lines 26-27 (see also Figure 1, white symbols) that *L. casei* has no effect on the production of NO by colon carcinoma cell lines in the absence of CYTOMIX, i.e. when the cell lines are not preactivated with pro-inflammatory cytokines. In contrast:

-- when the cell lines are preactivated with CYTOMAX (without bacterial LPS), *L. casei* increases the production of NO in a dose dependent manner (see page 8, lines 20-25, Figure 1, black symbols, and Figure 4, white symbols); and

-- when the cell lines are preactivated with CYTOMAX and bacterial LPS, *L. casei* reduces the production of NO in a dose dependent manner (see page 10, lines 5-10 and Figure 4, black symbols).

No inhibitors of NFKB transduction pathway or inhibitors for NO-synthase were used in the experiments illustrated by Figure 1 and Figure 4. Actually these inhibitors have no part in the effects of *L. casei*. They were used only in the experiments illustrated by Figures 2 and 3 to check whether or not the increase in the production of NO induced by *L. casei* in enterocytes pre-activated with pro-inflammatory cytokines involved NO synthase and NFKB pathway.

Thus, it clearly appears that the specification provides enablement for a lactic acid bacteria strain capable of decreasing the production of NO by cultures of enterocytes preactivated with pro-inflammatory cytokines and bacterial LPS, and capable of increasing the production of NO by cultures of enterocytes preactivated with pro-inflammatory cytokines alone.

The prior art rejections as set forth in the Official Action are not applicable to the claims as now presented. In particular, the prior art does not teach or suggest the method of regulating the inflammatory response of enterocytes as defined by the claims of record.

Likewise, the double patenting rejection is no longer proper and should be withdrawn. The invention as claimed herein is patentably distinct from the composition disclosed in U.S. Patent 6, 399,055.

In view of the amendments to the claims and the foregoing explanation, it is submitted that the claims are patentable and that this application is now in condition for immediate allowance. Favorable reconsideration by the Examiner is solicted.

Respectfully submitted,

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